

December 08, 2017

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street Southwest
Washington, DC 20554

Dear Chairman Pai:

We understand that you intend the Federal Communications Commission (FCC) to vote on your draft order to dismantle our current net neutrality rules at the upcoming Open Commission Meeting on Thursday, December 14. We write calling on you to delay this vote.

As you will remember, in your dissent of the Protecting and Promoting the Open Internet NPRM (GN Docket No. 14-28), you stated¹:

“Going forward, we need to give the American people a full and fair opportunity to participate in this process. And we must ensure that our decisions are based on a robust record.

“So what is the way forward? Here is one suggestion. Just as we commissioned a series of economic studies in past media-ownership proceedings, we should ask ten distinguished economists from across the country to study the impact of our proposed regulations and alternative approaches on the Internet ecosystem. To ensure that we obtain a wide range of perspectives, let each Commissioner pick two authors. To ensure accuracy, each study should be peer reviewed. And to ensure public oversight, we should host a series of hearings where Commissioners could question the authors of the studies and the authors of those studies could discuss their differences. Surely the future of the Internet is no less important than media ownership.

“But we should not limit ourselves to economic studies. We should also engage computer scientists, technologists, and other technical experts to tell us how they see the Internet’s infrastructure and consumers’ online experience evolving. Their studies too should be subject to peer review and public hearings.”

Accordingly, we ask that you heed your own advice and delay your planned vote on this item until you have faithfully executed all of the steps outlined above and provided the American people “a full and fair opportunity to participate in this process.” It is vital that all aspects of the

¹ https://apps.fcc.gov/edocs_public/attachmatch/FCC-14-61A5.pdf

draft order are subject to the same peer review and public hearings you have always advocated. This is necessary to ensure "our decisions are based on a robust record."

Thank you for your immediate attention to this matter.

Sincerely,



RICHARD BLUMENTHAL
United States Senator



PATRICK LEAHY
United States Senator



ELIZABETH WARREN
United States Senator



EDWARD J. MARKEY
United States Senator



SHERROD BROWN
United States Senator



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

February 9, 2018

The Honorable Richard Blumenthal
United States Senate
706 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Blumenthal:

Thank you for your letter regarding the *Restoring Internet Freedom Declaratory Ruling, Report and Order, and Order (Order)*, in which you requested that the Federal Communications Commission delay the December 14, 2017 vote. I respectfully did not take that course of action for the reasons discussed below.

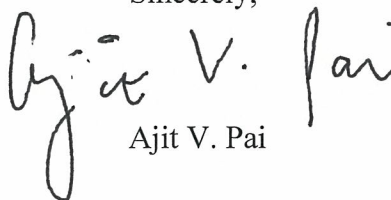
The vote on the *Restoring Internet Freedom Order* marked the culmination of an unprecedented level of public participation and transparency. After the Commission issued its Notice of Proposed Rulemaking in May 2017, it received millions of public comments related to the proposal. The *Order* amply addressed this rulemaking record over nearly 200 pages containing well over one thousand footnotes. In addition, pursuant to my transparency initiative, the agency released the draft over three weeks before the Commission voted. This gave the public an opportunity to review the draft and submit further feedback before the scheduled vote took place.

The Commission is grateful to all commenters who engaged the legal and public policy questions presented in this rulemaking. These comments ensured that the Commission considered all important aspects of its proposal to reclassify broadband Internet access service as an “information service” and restore the “light-touch” regulatory framework that fostered a free and open Internet in the United States prior to 2015.

Although I appreciate your request to provide the American people “a full and fair opportunity to participate in this process,” that is exactly what the Commission did: It followed the well-established notice-and-comment process prescribed in the Administrative Procedure Act and gave the public an unparalleled opportunity to comment not just on the *Notice* but on the draft text of the final *Order*. That process resulted in an order consistent with both the Communications Act and the public interest—and returned the nation to the light-touch framework that paved the way for our successful Internet economy.

I appreciate your interest in this matter. Your views are important and will be entered into the record of the proceeding. Please let me know if I can be of any further assistance.

Sincerely,


Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

February 9, 2018

The Honorable Sherrod Brown
United States Senate
713 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Brown:

Thank you for your letter regarding the *Restoring Internet Freedom Declaratory Ruling, Report and Order, and Order (Order)*, in which you requested that the Federal Communications Commission delay the December 14, 2017 vote. I respectfully did not take that course of action for the reasons discussed below.

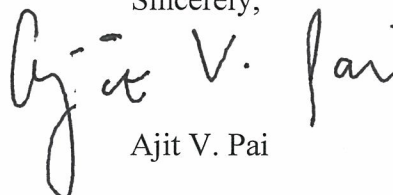
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Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

February 9, 2018

The Honorable Patrick J. Leahy
United States Senate
437 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Leahy:

Thank you for your letter regarding the *Restoring Internet Freedom Declaratory Ruling, Report and Order, and Order (Order)*, in which you requested that the Federal Communications Commission delay the December 14, 2017 vote. I respectfully did not take that course of action for the reasons discussed below.

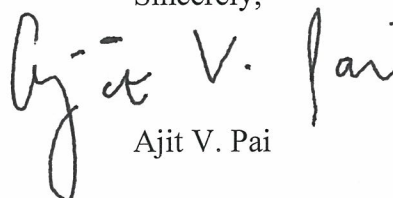
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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

February 9, 2018

The Honorable Edward J. Markey
United States Senate
255 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Markey:

Thank you for your letter regarding the *Restoring Internet Freedom Declaratory Ruling, Report and Order, and Order (Order)*, in which you requested that the Federal Communications Commission delay the December 14, 2017 vote. I respectfully did not take that course of action for the reasons discussed below.

The vote on the *Restoring Internet Freedom Order* marked the culmination of an unprecedented level of public participation and transparency. After the Commission issued its Notice of Proposed Rulemaking in May 2017, it received millions of public comments related to the proposal. The *Order* amply addressed this rulemaking record over nearly 200 pages containing well over one thousand footnotes. In addition, pursuant to my transparency initiative, the agency released the draft over three weeks before the Commission voted. This gave the public an opportunity to review the draft and submit further feedback before the scheduled vote took place.

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Sincerely,

Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

February 9, 2018

The Honorable Elizabeth Warren
United States Senate
317 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Warren:

Thank you for your letter regarding the *Restoring Internet Freedom Declaratory Ruling, Report and Order, and Order (Order)*, in which you requested that the Federal Communications Commission delay the December 14, 2017 vote. I respectfully did not take that course of action for the reasons discussed below.

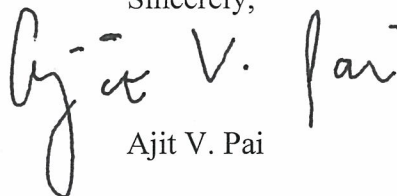
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Ajit V. Pai